

SUBJECT: Election Code recodification and revision

COMMITTEE: Elections: favorable, with amendments

VOTE: 9 ayes--Hackney, Staniswalis, S. Thompson, Carriker,  
Carter, Horn, Laney, Robnett, Russell  
0 nays

SENATE VOTE: On second, third readings: passed by voice vote  
(For vote on amendments, see NOTES)

WITNESSES: For--Myra McDaniel, Secretary of State; Karen  
Gladney, elections division, Secretary of State's  
office; John Clark, Republican Party of Texas; Barbara  
Stanley, chair, Harris County Democratic Party; Anita  
Rodeheaver, county clerk, Harris County; Gerald Winn,  
Tax Assessor- Collectors Association of Texas; Rhonnie  
Mayer, County Clerks Association; Robert Sloan,  
Association of City Clerks and Secretaries of Texas;  
Conny McCormack, elections administrator, Dallas  
County; John Hildreth, Common Cause of Texas; Rowena  
Rodgers, League of Women Voters of Texas; Raul Reza  
Vasquez, state chair, League of United Latin American  
Citizens; Pat Longoria, Mexican American Legal Defense  
and Educational Fund  
  
Against--None  
  
On--Glen Shuffler, Texas Legislative Council

DIGEST: SB 616 would recodify the Texas Election Code,  
reorganizing the existing provisions and adding new  
provisions. All of the chapters in the current version  
of the Code would be repealed except for Chapter 14,  
regulating political funds and disclosure. Either  
Chapter 14 would be added to the new Code by a separate  
bill that would make several changes in that chapter or  
else it would be added unchanged to the new Code.  
  
Any law enacted by the 69th Legislature that amends the  
current Election Code would prevail in case of conflict  
with SB 616 and would be given effect as part of the  
new Code. In cases where SB 616 and another act made  
the same substantive change, the language of SB 616  
would prevail.

DIGEST:  
(continued)

If the U. S. Justice Department objected to any provision of SB 616 under the federal Voting Rights Act, it would not affect the validity of the remainder of the Code. The Secretary of State would identify the provision of the current Code corresponding to the objectionable provision, and that provision would not be considered repealed by the new Code. (Under sec. 5 of the Voting Rights Act, the Justice Department can only object to, and thereby invalidate, changes in state law affecting voting rights, not existing law).

#### Changes and New Provisions in Senate Version

Under SB 616, the waiting period for restoration of voting rights to convicted felons would be reduced from five years to two years following certification of discharge from parole or mandatory supervision or completion of probation.

Rather than require major parties to hold state conventions in September during every even-numbered year and also in June during presidential election years, SB 616 would require state conventions to be held in June during every even-numbered year.

Voters in a party primary would no longer pledge to support the nominee of the party. Instead, primary voters would acknowledge their ineligibility to participate in another party's primary or convention during the same voting year.

SB 616 would clarify that voting precincts may be consolidated for party primary elections.

Under current law, there are different procedures for obtaining a recount depending on whether paper ballots or voting machines were used. SB 616 would establish a single new procedure for requesting and conducting a recount.

Voting booths are currently required only in towns or cities of 10,000 or more. SB 616 would require voting booths at every polling place. The Secretary of State would approve the design of voting booths and ballot boxes.

Training programs for election officials would be required for those conducting certain elections.

DIGEST:  
(continued)

New provisions would specify the duties of volunteer deputy voter registrars. Volunteer deputy registrars would have to be certified by voter registrars and issue receipts to voters whom they register. It would be a class-C misdemeanor (maximum fine of \$200) for a person to act as a volunteer deputy registrar without being certified or to fail to deliver a registration application to the registrar. Intentional failure to deliver an application would be a class-A misdemeanor (maximum fine of \$2,000 and maximum jail term of one year).

The effective date of the new Election Code would be Jan. 1, 1986.

#### House Committee Amendments

One amendment would allow the chair, vice-chair, and member of state-party executive committees to be elected to four-year terms at the party convention held in gubernatorial election years. The second amendment would provide that if a candidate withdrew from the race due to incapacitating illness, and the other parties that held a primary had no candidate for the office, the executive committees of all parties could nominate replacement candidates.

The third committee amendment would clarify that county or precinct party chairs need only receive a majority of votes cast in their race, not a majority of all votes cast in the primary election, and would require that a participant in a party's precinct convention be affiliated with the party. The fourth amendment would require a majority of the county party's executive committee to participate in filling a committee vacancy, change the primary filing deadline from 5 p.m. to 6 p.m., and require election of a secretary at precinct and county and district party conventions. The fifth amendment would permit the Secretary of State to prescribe alternative procedures for issuance of a receipt to persons registered by a volunteer deputy registrar. The amendment would also permit cancellation of voter registration if the registrar had personal knowledge of the death of a registered voter or received notice from a relative. The amendment would also provide that a county could not contract for computer services for voter-registration lists without prior approval of the Secretary of State.

SUPPORTERS  
SAY:

SB 616 is the product of years of effort to

SUPPORTERS  
SAY:  
(continued)

reach bipartisan agreement on a streamlined, reorganized Election Code. The current Code has not been substantially revised since 1951; the most recent effort at piecemeal reform was 1967. Since 1977 the Legislature has been unable to reach agreement on Election Code reform. But thanks to the labors of the Election Code Study Committee, heeding the advice of a broad-based advisory committee, a new, workable Election Code has been produced on the third try.

Anyone who has ever tried to use the current, much-amended version of the Texas Election Code quickly finds that it is complicated and unwieldy at best, contradictory and confusing at worst. Those who administer elections, run for office, and vote need a clear, concise, well-organized code.

The substantive changes in the recodification are the result of months of negotiation by all political factions and interest groups in the state, so they are hardly controversial. Some seemingly modest changes will have substantial benefits. Allowing consolidation of election precincts in primary elections rather than requiring a polling place in each precinct regardless of size or turnout could save the state hundreds of thousands of dollars. Tighter regulation of volunteer deputy voter registrars would ensure that those who register to vote will be added to the rolls in timely fashion. Neither major party wishes to continue holding two state conventions during a presidential election year. In close elections, the recount procedure should be uniform. Election officials should be trained to administer balloting smoothly, and every voter should be guaranteed the privacy of a voting booth.

The waiting period to restore the right to vote to persons convicted of a felony should be reduced. After citizens have paid their debt to society and been released from all state supervision after completion of probation or parole, two years is long enough to wait for restoration of this fundamental right.

OPPONENTS  
SAY:

SB 616 would go well beyond simple recodification of the Election Code and would make several substantive changes. These important changes in election law should be considered separately, in the same manner as the chapter regulating political funds and campaigns. This is especially true since the Calendars Committee will not allow substantive floor amendments to SB 616.

OPPONENTS  
SAY:  
(continued)

One substantive change that has raised serious objections would reduce the waiting period for restoration of voting rights to convicted felons from five years to two years. Only last session the House voted for an eight-year waiting period, then compromised by accepting five years. Denial of voting privileges is one of the penalties that felons must pay for committing a serious crime.

NOTES:

The Calendars Committee adopted a special rule for floor consideration of SB 616 barring any floor amendment to the bill other than to correct a technical or clerical error.

The Elections Committee rejected two proposed amendments by Rep. Carriker. One amendment would have required write-in candidates for independent-school-district trustee to file a declaration of write-in candidacy just as write-in candidates for state and county offices do. The other Carriker amendment would have struck a provision requiring a concise description of the location of a voter-registration applicant's address on the voter application in cases when the voter has no street address, only a post-office box.

The committee substitute adopted by the Senate State Affairs Committee had deleted a provision in the original version of SB 616 that would have reduced the waiting period for restoration of voting rights to a convicted felon from the current five years to two years. Sen. Washington offered a floor amendment to delete the waiting period entirely, but the amendment was tabled by a vote of 16 ayes, 14 nays. The Senate then adopted an amendment by Sen. Brooks to restore the original two-year waiting period in the bill by a vote of 16 ayes, 13 nays.

HB 2338 by Hackney and Blanton, proposing changes in the Election Code chapter regulating political-fund reporting and campaigns, is scheduled for a public hearing today in the Elections Committee. SB 1068 by Edwards, the Senate companion to HB 2338, is pending in the State Affairs Committee.